SHRI N. JOTHI: Sir, this is disorder.

MR. DEPUTY CHAIRMAN: The House is adjourned till 2 o'clock.

The House then adjourned at forty-five minutes past twelve of the clock.

The House reassembled at two of the clock,

MR. CHAIRMAN in the Chair.

PERSONAL EXPLANATION BY SHRI P. CHIDAMBARAM, MINISTER OF FINANCE

श्रीमती सुषमा स्वराज : सभापति जी, माननीय वित्त मंत्री जी हाऊस में आ गए हैं, जिस कारण से हाऊस स्थगित हुआ था।

श्री सभापति : जिस कारण से हाऊस स्थगित हुआ था, उस संबंध में मैंने माननीय मंत्री महोदय से इच्छा प्रकट की थी कि इस पर आज ही स्पष्टीकरण हो जाए। माननीय मंत्री जी आ गए हैं। अब वे अपना स्पष्टीकरण देंगे।

श्रीमती सुषमा स्वराज : सर, बहुत बहुत धन्यवाद।

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Mr. Chairman, Sir, a short while ago, I received a letter from the Rajya Sabha Secretariat enclosing a letter dated 24th August, 2005 submitted by Shri N. Jothi, hon. Member addressed to the hon. Chairman. The letter, in turn, encloses the judgement of the Madras High Court reported in 275 ITR 403 in Commissioner of Income Tax *vs*. Janakiram Mills Limited.

I wish to offer an explanation under Rule 241 of the Rules of Procedure and Conduct of Business. When reports appeared in the media on the same matter, the Central Board of Direct Taxes (CBDT) issued a statement dated 26th August, 2005 on the circumstances under which Smt. Pushya Sitaraman, Senior Standing Counsel of the IT Department, Chennai had engaged Smt. Nalini Chidambaram, a Special Counsel in the matter with the approval of the Board. The CBDT stated that the proposals for engagement of counsels are not submitted to the Finance Minister, and, in this case also, the file was not put to the Finance Minister. The CBDT admitted that it was a lapse on their part not to have informed the Finance Minister of the proposed engagement before they granted approval for the same. The Board also expressed regret.

Smt. Nalini Chidambaram also issued a statement dated 26th August, 2005 narrating the circumstances under which Smt. Pushya

Sitaraman persuaded her to accept the engagement. She also pointed out that since 1996, she had voluntarily refrained from appearing for or against the department and this was the sole case in which she had been engaged as a Special Counsel.

Smt. Pushya Sitaraman in her statement dated 26th August, 2005 confirmed that it was she who had persuaded Smt. Chidambaram to accept the engagement.

Sir, these three statements contain the entire facts. I wish to make it clear that I had no knowledge of the matter at any stage during the relevant period. It came to my notice for the first time only after the matter was attempted to be raised in this House. I would also like to add that had the matter been brought to my notice, I would have ensured that the proposal to engage Smt. Nalini Chidambaram was nipped in the bud and not processed any further. Thank you.

SHRI N. JOTHI (Tamil Nadu) : Sir, I want to seek a clarification. ...*(Interruptions)*...

SHRI P.G. NARAYANAN (Tamil Nadu): Sir, this kind of explanation is not acceptable. ...*(Interruptions)*...Sir, the Minister is misleading the House. ...*(Interruptions)*...

श्रीमती सुषमा स्वराज : सर। ...**(व्यवधान)**...

SHRI N. JOTHI: Sir, I am entitled to seek a clarification. ...*(Interruptions)*...I want clarification, Sir. ...*(Interruptions)*...

MR. CHAIRMAN: Please take your seats. ...*(Interruptions)*... Hear me. First hear me. ...*(Interruptions)*... Under Rule 241, Personal Explanation, "A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise."

SHRI N. JOTHI: Sir, no debate but ...*(Interruptions)*... Sir, I want to ...*(Interruptions)*... Sir, my letter has not been answered. ...*(Interruptions)*...

श्री एस. एस. अहलुवालिया : सर, मेरा पाइंट ऑफ आर्डर है। ...**(व्यवधान)**...

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सुरेश पचौरी) : सर, आपने रूलिंग दे दी है, अब उस पर क्वैश्चन नहीं उठ सकता। ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA (Jharkhand) :Sir, I have a point of order. ...*(Interruptions)*...Sir, please allow me. ...*(Interruptions)*... Please allow me, Sir. Please allow me ...*(Interruptions)*... Please allow me. ...*(Interruptions)*...

SHRI VAYALAR RAVI (Kerala) : Sir, there is no Rule for point of order...*(Interruptions)*...

MR. CHAIRMAN: Let me hear his point of order. I will ...*(Interruptions)*...

SHRI SURESH PACHOURI : Sir, this matter is over. ...*(Interruptions)*... Sir, you have already given your ruling. ...*(Interruptions)*... You have already given your ruling. ...*(Interruptions)*...

SHRI V. NARAYANASAMY (Pondicherry) : Under which Rule, is he raising point of order? ...*(Interruptions)*...

MR. CHAIRMAN: Let me see what does he want to say. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, ...*(Interruptions)*... Sir, I am on a point of order. ...*(Interruptions)*...

MR. CHAIRMAN: Let him say. I will hear him.

SHRI N. JOTHI: Sir, reply has not been given...*(Interruptions)*...

SHRI S.S. AHLUWALIA: One minute, Mr. Jothi. Sir, I am referring to Rule 241. ...*(Interruptions)*... please sit down, please sit down. ...(Interruptions).. Sir, you read out Rule 241. " A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case, no debatable matter may be brought forward and no debate shall arise". Mr. P. Chidambaram is not a Member of this House. He is a Member of the other House. ...*(Interruptions)*... It is a personal affair of this House. ...*(Interruptions)*... It is an affair of this House. ...*(Interruptions)*... He is not a Member of this House. ...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, he is Minister. ...*(Interruptions)*... He is a Minister. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: He is not a Member of this House. It is not written that a Council of Minister can ...*(Interruptions)*... Sir, there is a ruling like this.

MR. CHAIRMAN: Then, what do you want? ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, there is a ruling like this. You can ...*(Interruptions)*...

MR. CHAIRMAN: No, no, what do you want? ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, my point of order is simple. He is not a Member of this House. He cannot get an opportunity for personal explanation under Rule 241. ...*(Interruptions)*...

MR. CHAIRMAN: I have allowed him. ...*(Interruptions)*... I have allowed him. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: No, no, Sir, he is not a Member of this House.

MR. CHAIRMAN: Then, what do you want? ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, Rule 241 does not apply to him. ...*(Interruptions)*... Rule 241 does not apply to him.

MR. CHAIRMAN: Then, what do you want?

SHRI S.S. AHLUWALIA: Sir, he is replying here as a Minister and when a Minister replies, we get the opportunity ...*(Interruptions)*... It is an issue raised by us and a Minister is replying to that. We have the full right to seek clarifications on the matter, whatever he has said. Rule 241 does not apply to him.

SHRI N. JOTHI: Let the Minister yield to me, Sir. ...*(Interruptions)*... Let him yield to me. ...*(Interruptions)*...

SHRI V. NARAYANASAMY: Under Rule 238A, it may be by any other member. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, kindly permit me. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: It is not applicable here. ...*(Interruptions)*...

SHRI V. NARAYANASAMY: Sir, Rule 238A says, "No allegation of a defamatory or incriminatory nature shall be made by a member against any other member ...*(Interruptions)*... It is not that only a Member of this House. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, you give your ruling. ...*(Interruptions)*...

SHRIMATI SUSHMA SWARAJ (Uttaranchal): I want to seek clarification from the hon. Minister. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, I seek a clarification from the hon. Minister...*(Interruptions)*... Sir, I seek a clarification from the hon. Minister.

MR. CHAIRMAN: There shall be no clarification. I won't allow any clarification.

SHRI N. JOTHI: Sir, please allow me, because there has not been any reply to my letter dated 28th at all ...*(Interruptions)*... He has not given any reply at all.

SHRIMATI SUSHMA SWARAJ : If you don't allow us for clarification, that means, the Minister can get away ...*(Interruptions)*... वे जो मर्जी बोलकर चले जाएंगे। हमको उसमें से सवाल पूछने हैं, उसमें से बहुत से सवाल उठे हैं। उन्होंने केवल वह बोला जो CBDT ने अखबार में दिया, वह तो हमने पढ़ा हुआ है। हमें तो मिनिस्टर का रिप्लाई चाहिए। Is ignorance an excuse? ...*(Interruptions)*...

SHRI N. JOTHI: What action has been taken? ...*(Interruptions)*...

SHRIMATI SUSHMA SWARAJ: The Minister has pleaded ignorance. Is ignorance an excuse?. ...*(Interruptions)*... Is ignorance an excuse? ...*(Interruptions)*...

SHRI N. JOTHI: Sir, I want to seek a clarification. ...*(Interruptions)*...

श्री सुरेश पचौरी : सभापति जी, मेरा भी व्यवस्था का प्रश्न है। ...**(व्यवधान)**...

SHRIMATI SUSHMA SWARAJ: I want to ask the Minister, is ignorance an excuse? ...*(Interruptions)*... What is the definition of impropriety? ...*(Interruptions)*...What is the definition of ...*(Interruptions)*...

श्री सुरेश पचौरी : सभापति जी, मेरा भी व्यवस्था का प्रश्न है। ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: Sir, Rule 241 does not apply here. ...*(Interruptions)*...

श्री सभापति : एक मिनट बैठ जाइए आप! श्री जोती ने अपने लैटर में लिखा है - "I am participating in the debate on 'The National Rural Employment Guarantee Bill, 2004'. During the debate I intend to 'authenticate' the enclosed document which could indicate that Mr. P. Chidambaram, the hon. Minister of Finance, knowingly allowed his Department to engage his wife as an advocate to appear for his Department on a huge fee on daily basis and

like heavy money has been paid by his portfolio Department to his own wife. "This is continuing unabated. I am of the view whether the poor people have got employment Guarantee or not under the Bill, the fact remains the family of the Minister is Guaranteed not only with employment but also with huge payment of money from the department." यह पर्सनल चार्ज है कि नहीं है? ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: Sir, it is not a personal charge.

MR. CHAIRMAN: Please, hear me. ...*(Interruptions)*... आप यह बताइए कि यह पर्सनल चार्ज है कि नहीं है ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: No, Sir.

SHRI N. JOTHI: He is a Minister, Sir. ...*(Interruptions)*...

श्री सभापति : तब क्या पर्सनल चार्ज में पर्सनल एक्सप्लेनेशन देंगे। ...**(व्यवधान)**... यह पर्सनल चार्ज है, इससे ज्यादा मैं कुछ नहीं कहूंगा। ...**(व्यवधान)**...

श्री सुरेश पचौरी : सभापति महोदय, मैं आपकी अनुमति से व्यवस्था का प्रश्न उठा रहा हूं। माननीय सदस्य ने जो अपना पर्सनल एक्सप्लेनेशन दिया है, वह रूल 241 के तहत दिया है और आदरणीय ...**(व्यवधान)**...

श्री एस. एस. अहलुवालिया : वे तो सदस्य ही नहीं हैं। ...**(व्यवधान)**...

श्री सुरेश पचौरी : आप सुनिए तो सही ...**(व्यवधान)**... यह जो सदन है, यह या तो रूल से चलता है या व्यवस्था से चलता है। रूल 241 में यह बहुत स्पष्ट है कि जो भी माननीय मंत्री अपना पर्सनल एक्सप्लेनेशन देते हैं, उस पर क्लेरिफिकेशन नहीं मांगा जाता है, पहली बात तो यह है और दूसरी बात यह है कि ...**(व्यवधान)**... आप पहले मुझे तो सुन लीजिए, ...**(व्यवधान)**... Please, listen to me. ...*(Interruptions)*... Please, let me complete. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, kindly see the definition of a 'Member.'

SHRI SURESH PACHOURI: Please, let me complete.

MR. CHAIRMAN: Let him complete. Please, take your seat. ...*(Interruptions)*...

श्री सुरेश पचौरी : दूसरी व्यवस्था जो है, जो डायरेक्शन है from time to time by the Chair..., क्योंकि श्री यशवंत सिन्हा जी ने इसी बात का जिक्र किया था कि इन्हें पर्सनल एक्सप्लेनेशन की बात कही गई थी, मान्यवर, मैं श्री यशवंत सिंन्हा जी सहित, इनकी पार्टी के सदस्यों को यह याद दिलाना चाहता हूं कि जब इन्होंने पर्सनल एक्सप्लेनेशन दिया था, तब मैं यहां आसन्दी पर था और उस समय मेरी पार्टी के सीनियर सदस्य श्री प्रणब मुखर्जी और श्री अर्जुन सिंह जी ने क्लेरिफिकेशन मांगना चाहा था, जो मैंने टर्न डाउन कर दिया था, क्यों किया

था? Sir, because Ruling 476 at page 348 in the Rajya Sabha Rulings and Observations from the Chair says that no discussion should follow a personal explanation. ...*(Interruptions)*... पेज 348 पर रूलिंग 476 है। ...**(व्यवधान)**...

SHRI N. JOTHI: Please, see the definition of a 'Member.'

MR. CHAIRMAN: Please, sit down.

SHRI SURESH PACHOURI: Let me complete. I am speaking with the permission of the Chair. Ruling 476 in the Rajya Sabha Rulings and Observations from the Chair says, "Explanation: Questions or Clarifications are not allowed on personal explanation." How it happened? महोदय, जब श्री एल.एन. मिश्रा जी ने, जो कि उस सदन के सदस्य थे, मंत्री होने के नाते उन्होंने पर्सनल एक्सप्लेनेशन दिया था और श्री नीरेन घोष जी ने जब उस पर स्पष्टीकरण मांगना चाहा था तब चेयर ने 31.08.1973 को इसे अस्वीकार कर दिया था कि पर्सनल एक्सप्लेनेशन पर क्लेरिफिकेशन एलाउड नहीं होती। रूलिंग 476, रूलिंग 477, रूलिंग 478, इनमें ये सारी डायरेक्शन्स हैं, कृपया इन डायरेक्शन्स को देख लें। आप या तो रूलिंग की व्यवस्था देख लें या डायरेक्शन की व्यवस्था देख लें।

महोदय, इसलिए मैं आपसे अनुरोध करना चाहूंगा कि आपने भी अपना यह निर्णय दे दिया है और उस निर्णय पर पुनर्विचार न किया जाए। ये जो रूलिंग्स सदन की आसन्दी पर समय-समय पर दी गई हैं, उनका पालन किया जाए।

SHRI S.S. AHLUWALIA: Sir, I am on a point of order.

श्री सभापति : कोई प्वांइट ऑफ् ऑर्डर नहीं होगा। कोई प्वांइट ऑफ ऑर्डर नहीं है। **...(व्यवधान)...** पहले मुझे सुन लीजिए **...(व्यवधान)...** मैंने आपका प्वाइंट ऑफ् ऑर्डर सुन लिया है **...(व्यवधान)...** आप एक बार बैठ जाइए **...(व्यवधान)...**।

श्रीमती सुषमा स्वराज : जो सवाल उठा है, उसका जवाब तो देंगे, पहले डायरेक्शन कोट करेंगे **...(व्यवधान)...**।

SHRI S.S. AHLUWALIA: Please, see the definition of a 'Member' at page 2 of the Rules and Procedure and Conduct of Business in the Council of States.

श्री सभापति : अभी आपने जो जवाब दिया है **...(व्यवधान)...**

श्री एस. एस. अहलुवालिया : महोदय, **...(व्यवधान)...** आप उनकी क्या बात कर रहे हैं, वे गलत हैं **...(व्यवधान)...**

श्री सभापति : आप जो कह रहे हैं, मैं आपको बता देता हूं. I am quoting from page No.348 of the Rajya Sabha Rulings and Observations from the Chair. It says, "On 31st August 1973, Shri Niren Ghosh wanted to put some questions by way of seeking clarifications on ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, this is the Rule Book of 2000.

श्री सभापति : आप मुझे बोलने नहीं दे रहे हैं ...**(व्यवधान)**...

श्री एस. एस. अहलुवालिया : नहीं सर, यह बोलने की बात नहीं है ...**(व्यवधान)**...

SHRI N. JOTHI: Sir, I am raising...*(Interruptions)*... Sir, can I not argue on the basis of law? ..:*(Interruptions)*...

श्री सभापति : आप बैठ जाइए।

श्री एस. एस. अहलुवालिया : महोदय, मैं जो बोल रहा हूं ...**(व्यवधान)**...

श्री सभापति : आप बैठ जाइए, मैं जो बोल रहा हूं... I am quoting from "Rulings and Observations from the Chair" of Rajya Sabha Secretariat.

> "On 31 August 1973, Shri Niresh Ghosh wanted to put some questions by way of seeking clarifications on a statement of personal explanation made by the Minister of Railways, Shri L.N. Mishra." Shri L.N. Mishra was not a Member of this House at that moment of time.

"The Chairman observed:

> You cannot discuss it here...I will tell you that on personal explanations no questions are put."

SHRI N. JOTHI: He is not a Member.

श्री एस. एस. अहलुवालिया : सर, ...**(व्यवधान)**...

श्री सभापति : एलाऊ नहीं करुंगा। ...**(व्यवधान)**... कोई नाम देने की जरूरत नहीं है, matter is over...*(Interruptions)*... कोई नाम लेने की जरूरत नहीं है। ...**(व्यवधान)**... आपके ऊपर कोई आरोप नहीं लगाया है। ...**(व्यवधान)**... The Protection of Women from Domestic Violence Bill, 2005...*(Interruptions)*... Shrimati Kanti Singh...*(Interruptions)*...

GOVERNMENT BILLS

The Protection of Women from Domestic Violence Bill, 2005

मानव संसाधन विकास मंत्रालय में राज्य मंत्री (श्रीमती कांति सिंह) : महोदय, मैं प्रस्ताव करती हूं :